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EXAMINER

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ART UNIT PAPER NUMBER

3628

DATE MAILED: 01/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/781,937

Applicant(s)

BUXTON ET AL.

Examiner

Jason M. Borlinghaus

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/5/03 & 07/23/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding Claims 8 and 15, the claims cannot be clearly understood due to the open-ended nature of the Markush group. A Markush group must be definite and complete as to its membership. The Markush group in Claims 8 and 15 are indefinite as to scope in the use of the term "consisting essentially of" in the phrase "nonprice market terms are selected from the group consisting essentially of". Claims 8 and 15 are therefore rejected. Examiner suggests that the applicant replace the phrase "consisting essentially of" with the phrase "consisting of" to overcome this rejection.

Correction is required. See MPEP § 2173.05 (h).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Gillman (U.S. Patent Pub. US 2002/0147674 A1).

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Regarding Claim 1, Gillman discloses a method of updating a database of commodity information including multiple predefined commodity designations representing multiple predefined commodities and an estimated market price stored in association with one or more of the commodity designations, comprising. ("In a preferred embodiment, the reverse auction system of the present invention is comprised of various computers, databases and other electronic hardware and software which hold information about users (both buyers and suppliers) of the system, as well as information about the goods or services auctioned on the system." – see paragraph 0024):

- providing an online reverse auction environment accessible via a computer network. ("An electronic buying system and method that dynamically matches, over the World Wide Web, a person or business entity requesting a specialized product with a person or entity capable of providing that product. The electronic buy system, which may function as a reverse auction..." – see abstract);
- receiving a request for proposals (RFP) from a customer at the online reverse auction environment, the RFP including a request for bids on at least a specified one of the commodities. ("A buyer submit a request for a good including electronic specifications, and the suppliers respond to the request with bid proposals." – see abstract);
- soliciting multiple potential vendors to submit proposals responsive to the RFP in the online reverse auction environment. ("A buyer submit a request for

a good including electronic specifications, and the suppliers respond to the request with bid proposals." – see abstract);

- receiving one or more vendor proposals in the online reverse auction environment, at least one of the vendor proposals being responsive to the RFP and including a proposed price for the specified commodity. ("A supplier responds to a buyer RFQ by inputting various information about its proposed supply of the requested forgings. Specifically, suppliers will generally provide a price and delivery date as well as any additional terms and conditions the supplier desires to add to the deal." – see paragraph 0041);
- extracting the proposed price from each of the responsive vendor proposals. (Gillman discloses "The auction system of the present invention may preferably offer a self-adjusting bid feature where, once a bid of this type is placed, the offer of a selling price will be automatically lowered if a lower price is entered by a competing supplier." – see paragraph 0013 – establishing that Gillman is able to extract the proposed price from each responsive vendor proposal.);
- comparing the proposed price (supplier's current bid price) to the estimated market price (lowest bid price among competing suppliers) of the specified commodity. (Gillman discloses "The auction system of the present invention may preferably offer a self-adjusting bid feature where, once a bid of this type is placed, the offer of a selling price will be automatically lowered if a lower price is entered by a competing supplier." – see paragraph 0013 –

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establishing that Gillman is able to compare the seller's proposed price to the currently available market price); and

- updating the database with the proposed price (supplier's self-adjusting bid) so that the estimated market price (lowest bid price among competing suppliers) more accurately approximates an actual market price (corrected lowest bid price after addition of supplier's self-adjusting bid). (Gillman discloses "The auction system of the present invention may preferably offer a self-adjusting bid feature where, once a bid of this type is placed, the offer of a selling price will be automatically lowered if a lower price is entered by a competing supplier." – see paragraph 0013 – establishing that Gillman is able to update the market price based upon a lower self-adjusting bid price).

Regarding Claim 2, Gillman discloses a method in which the updating of the database includes updating the estimated market price (lowest bid price among competing suppliers) only if the proposed price (self-adjusting bid) is less than the estimated market price (lowest bid price of competing suppliers). (Gillman discloses "The auction system of the present invention may preferably offer a self-adjusting bid feature where, once a bid of this type is placed, the offer of a selling price will be automatically lowered if a lower price is entered by a competing supplier." – see paragraph 0013).

Claims 49 – 54, 60 – 64, and 66 - 67 are rejected under 35 U.S.C. 102(e) as being anticipated by Marsh (U.S. Patent 6,574,465 B2).

Regarding Claim 49, Marsh discloses a computer-implemented method of analyzing telecommunications traffic, comprising:

- extracting traffic detail data (usage history and call detail table) from multiple billing statements, the billing statements being received from various telecommunications carriers, the traffic detail data of each billing statement describing at least one telecommunications traffic event. ("The method of claim 1, further comprising the step of: creating a staging table which stores a minimum set of data and allows for the extraction of a minimum set of billing information used to create the call detail table." – Claim 4);
- converting the traffic detail data to a generic traffic format, the generic traffic format defining multiple generic classes of service. (Marsh discloses "The DL process 320 makes use of two text files, namely, a "Map" file 440 and a "Visual Basic, Scripting Edition (VBS).TM." file 450, to flexibly define or control the configuration of the data import process. The "Map" file 440 dictates to the DL process 320 how to map incoming data fields to destination data fields. The "VBS" file 450 is used by the DL process 320 to perform any custom transformations of input data before writing it to a destination, e.g., get dow_id from day_of_week. The Map 440 and VBS files 450 are developed as part of the data conversion process undertaken whenever new input data formats are presented by a customer base or carrier relationship base." – see col. 10, lines 20 – 31 – establishing that Marsh converts data to standard format for processing);

- storing the converted traffic detail data in a customer traffic history database (see 74, figure 2). (“processing the subscriber related billing information to produce organized data in a calling profile record for each telecommunication service being used by the subscriber;” – see col. 2, lines 11 - 13); and
- summarizing the converted traffic detail data. (“creating a usage history table and a call detail table from the processed billing information;” – see paragraph see col. 2, lines 13 - 15).

Regarding Claim 50, Marsh discloses a method, further comprising:

- providing a best of class database (see 74, figure 2) including an estimated market price (proposed rate plan) for one or more of the generic classes of service (rate plans). (Marsh discloses “The processor then determines at least one proposed rate plan that would save the subscriber telecommunication costs relative to the current rate plan, via use of the usage history table and the call detail table.” – see abstract – establishing the database includes a proposed rate plan).
- analyzing the traffic detail data (usage history and call detail table) to determine an actual cost (telecommunication costs under current rate plan) of the telecommunications traffic. (Marsh discloses “The processor then creates a usage history table and a call detail table within the storage unit from the processed billing information. The processed data is then analyzed by the processor in relation to at least one rate plans of at least one telecommunication service provider. The processor then determines at least

one proposed rate plan that would save the subscriber telecommunication costs relative to the current rate plan, via use of the usage history table and the call detail table.” – see abstract – establishing that Marsh determines telecommunications costs based upon usage/minutes); and

- comparing the actual cost (telecommunication costs under current rate plan) to the estimated market price (proposed rate plan). (“determining at least one proposed rate plan that would save the subscriber telecommunication costs relative to the current rate plan, via use of the usage history table and call detail table” – see col. 2, lines 17 - 21).

Regarding 51, Marsh discloses a method, further comprising generating an RFP recommendation notice (report of better proposed rate plan) when the actual cost (current rate plan) exceeds the estimated market price (proposed rate plan). (“The processor then determines at least one proposed rate plan that would save the subscriber telecommunication costs relative to the current rate plan, via use of the usage history table and the call detail table. A report of at least one proposed rate plan is then produced and provided to the subscriber, which enables selection of a best telecommunication service provider.” – see abstract).

Regarding Claim 53, Marsh discloses a method in which:

- the traffic detail data includes, for each telecommunications traffic event (telephone call), a traffic direction (originating_city, originating_state – col. 11, lines 53 – 54, Table 4), a type of service (service_plan – see col. 11, lines 31, Table 3), a boundary type (originating_city, originating_state – col. 11, lines

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53 – 54, Table 4), and an applicable carrier rate schedule (air_charge, land_charge – see col. 11, lines 56 – 57, Table 4); and

- the converting of traffic detail data to the generic traffic format includes applying a predefined set of translation rules that relate the traffic detail data to a set of predefined generic classes of service based on the traffic direction (originating_city, originating_state – col. 11, lines 53 – 54, Table 4), the type of service (service_plan – see col. 11, lines 31, Table 3), the boundary type, (originating_city, originating_state – col. 11, lines 53 – 54, Table 4) and the applicable rate schedule (air_charge, land_charge – see col. 11, lines 56 – 57, Table 4) of the traffic detail data. (“Data transformation services (DTS) are then used to load the pre-processed data.” – see col. 12, lines 19 – 20).

Regarding Claim 54, Marsh discloses a method in which the converting of the traffic detail data to the generic traffic format includes:

- providing a traffic classification conversion table (MAMBA system) including the multiple generic classes of service and associated with carrier-dependent traffic detail characteristics. (“Data transformation services (DTS) are then used to load the pre-processed data.” – see col. 12, lines 19 – 20). (“The MAMBA system 100 provides a method to create calling_profile records 360 from the call_detail data 340 imported using the DL process 320. These calling_profile records 360 provide a rolled-up view of each account's call usage, reducing for a given account or subscriber what may be, for example,

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the hundreds or thousands of individual call detail records (N) generated into a single calling_profile record 360.” – see col. 12, lines 35 – 43); and

- for each telecommunications traffic event (telephone call), identifying in the traffic classification conversion table (MAMBA system) a matching one of the generic classes of service associated with the carrier-dependent traffic characteristics that correspond to the traffic direction traffic direction (originating_city, originating_state – col. 11, lines 53 – 54, Table 4), the type of service (service_plan – see col. 11, lines 31, Table 3), the boundary type, (originating_city, originating_state – col. 11, lines 53 – 54, Table 4) and the applicable rate schedule (air_charge, land_charge – see col. 11, lines 56 – 57, Table 4) of the telecommunications traffic event.

Regarding Claim 60, Marsh discloses a computer-implemented telecommunications spending analysis system for analyzing multiple telecommunications billing statements received by a customer from various telecommunications carriers, each telecommunications billing statement including traffic detail data for multiple telecommunications traffic events. (“A transceiver is configured to receive billing information associated with a subscriber of a telecommunications service under a current rate plan.” – see abstract), comprising:

- a set of computer-readable translation rules that relate the traffic detail data to multiple predefined generic classes of service. (“Data transformation services (DTS) are then used to load the pre-processed data.” – see col. 12, lines 19 – 20);

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- a traffic genericizing module for converting the traffic detail data to a generic traffic detail format in accordance with the translation rules. (“The MAMBA system 100 provides a method to create calling_profile records 360 from the call_detail data 340 imported using the DL process 320. These calling_profile records 360 provide a rolled-up view of each account's call usage, reducing for a given account or subscriber what may be, for example, the hundreds or thousands of individual call detail records (N) generated into a single calling_profile record 360.” – see col. 12, lines 35 – 43);
- a customer traffic history database (storage unit) see for storing the converted traffic detail data. (“The method of claim 1, wherein the usage history table and the call detail table exist within a storage unit located within a computer that performs the method.” – Claim 3); and
- a traffic analysis software module in communication with the customer traffic history database for analyzing the converted traffic detail data to thereby allow convenient summarizing, storage, and reporting of the traffic detail data. (“The processor then determines at least one proposed rate plan that would save the subscriber telecommunication costs relative to the current rate plan, via use of the usage history table and the call detail table. A report of at least one proposed rate plan is then produced and provided to the subscriber, which enables selection of a best telecommunication service provider.” – see abstract).

Regarding Claim 61, Marsh discloses a system in which the traffic genericizing module (MAMBA system) is operable on a personal computer. ("In accordance with such an embodiment, personal computers may be located at the customer premise and the central office having logic provided therein to perform functions in accordance with the MAMBA system 100." – see col. 5, lines 16 – 20).

Regarding Claim 62, Marsh discloses a system in which the customer traffic history database (MAMBA system) is accessible via the Internet for storing the converted traffic detail data. ("It should be noted that while the present disclosure provides implementation of the MAMBA system 100 within an Internet based system, the MAMBA system 100 need not be provided via use of the Internet." – see col. 5, lines 1 – 5).

Regarding Claim 63, Marsh discloses a system in which the traffic analysis software module (MAMBA system) is accessible remotely via the Internet using a web browser. ("The system of claim 19, wherein the location of the report is on a computer connected to the Internet and accessible via the Internet." – Claim 20).

Regarding Claim 64, Marsh discloses a system in which the translation rules relate the traffic detail data to the generic classes of service on the basis of a traffic direction (originating_city, originating_state – col. 11, lines 53 – 54, Table 4), a type of service (service_plan – see col. 11, lines 31, Table 3), a boundary type, (originating_city, originating_state – col. 11, lines 53 – 54, Table 4) and the applicable carrier rate schedule (air_charge, land_charge – see col. 11, lines 56 – 57, Table 4) of

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each telecommunications traffic event. ("Data transformation services (DTS) are then used to load the pre-processed data." – see col. 12, lines 19 – 20).

Regarding Claim 66, Marsh discloses a system, further comprising a best of class database (see 74, figure 2) including an estimated market price (proposed rate plan) for one or more of the generic classes of service (service plans), and in which the traffic analysis software module (MAMBA system) is adapted to analyze the traffic detail data (usage history and call detail table) to determine an actual cost of the telecommunications traffic and compare the actual cost (telecommunication costs under current rate plan) to the estimated market price (proposed rate plan). ("The processor then creates a usage history table and a call detail table within the storage unit from the processed billing information. The processed data is then analyzed by the processor in relation to at least one rate plans of at least one telecommunication service provider. The processor then determines at least one proposed rate plan that would save the subscriber telecommunication costs relative to the current rate plan, via use of the usage history table and the call detail table." – see abstract)

Regarding Claim 67, Marsh discloses a system in which the traffic analysis software module generates an RFP recommendation notice (report of better proposed rate plan) when the actual cost (current rate plan) exceeds the estimated market price (proposed rate plan). ("The processor then determines at least one proposed rate plan that would save the subscriber telecommunication costs relative to the current rate plan, via use of the usage history table and the call detail table. A report of at least one

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proposed rate plan is then produced and provided to the subscriber, which enables selection of a best telecommunication service provider.” – see abstract).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3, 6 – 11, and 13 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillman in view of Fertik (U.S. Patent Pub. US 2001/0032163 A1).

Regarding Claim 3, Gillman does not teach a method in which the estimated market price has an age and the updating of the database includes updating the estimated market price when its age exceeds a predetermined expiration age.

Fretik discloses a method of claim in which the estimated market price (lowest bid price) has an age and the updating of the database includes updating the estimated market price (lowest bid price) when its age exceeds a predetermined expiration age.

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(Fertik discloses “Although price-time rules have been previously discussed, the rules may further include expiration of an order (sellers' or buyers') after a period of time as predefined by the respective user. In the case where the sellers' rule is to decrease the asking price to a best Bid after a certain period of time, then the invention system simulates auctioning.” – see paragraph 0082 – establishing that the market price (lowest bid price) will be updated after a predetermined expiration age.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Gillman by incorporating a predetermined expiration date to a bid price, expiration of which would update the database, as was done by Fretik, to provide the vendor the ability to limit the time span for acceptance of his bid proposal.

Regarding Claim 6, Gillman does not teach a method in which the database includes one or more nonprice market terms for each of the commodities.

Fretik discloses a method in which the database includes one or more nonprice market terms for each of the commodities. (“In a given record corresponding to certain commodities, there are respective fields for indicating quantity, color, other features, attributes and prices of the commodities.” – see paragraph 0050).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Gillman by incorporating nonprice market terms for each commodity, as was done by Fretik, to allow for the bid solicitors to more accurately describe the desired commodity.

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Regarding Claim 7, Gillman does not teach a method in which the nonprice market term is associated with a combination of:

- (a) one or more of the commodities, and
- (b) the estimated market price for said one or more commodities.

Fretik discloses a method in which the nonprice market term is associated with a combination of:

- (a) one or more of the commodities, and
- (b) the estimated market price for said one or more commodities. ("In a given record corresponding to certain commodities, there are respective fields for indicating quantity, color, other features, attributes and prices of the commodities." – see paragraph 0050).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Gillman by associating nonprice market terms with each commodity and with each commodities price, as was done by Fretik, to allow for the bid solicitors to more accurately describe the desired commodity.

Regarding Claim 8, Gillman nor Fretik teach a method in which the nonprice market terms are selected from the group consisting essentially of: quality of service. (Fretik discloses "In a given record corresponding to certain commodities, there are respective fields for indicating quantity, color, other features, attributes and prices of the commodities." – see paragraph 0050.) While Fretick does not explicitly state quality of service, it is well-known in the art that quality of service is a fundamental nonprice market terms associated with telecommunication service.

Regarding Claim 9, Gillman discloses method of updating a database of commodity information including multiple predefined commodity designations representing multiple predefined commodities, an estimated market price stored in association with one or more of the commodity designations, the method comprising: (“In a preferred embodiment, the reverse auction system of the present invention is comprised of various computers, databases and other electronic hardware and software which hold information about users (both buyers and suppliers) of the system, as well as information about the goods or services auctioned on the system.” – see paragraph 0024):

- providing an online reverse auction environment accessible via a computer network. . (“An electronic buying system and method that dynamically matches, over the World Wide Web, a person or business entity requesting a specialized product with a person or entity capable of providing that product. The electronic buy system, which may function as a reverse auction...” – see abstract);
- receiving a request for proposals (RFP) from a customer at the online reverse auction environment, the RFP including a request for bids on at least a specified one of the commodities. (“A buyer submit a request for a good including electronic specifications, and the suppliers respond to the request with bid proposals.” – see abstract);
- soliciting multiple potential vendors to submit proposals responsive to the RFP in the online reverse auction environment. (“A buyer submit a request for

a good including electronic specifications, and the suppliers respond to the request with bid proposals." – see abstract);

- receiving one or more vendor proposals in the online reverse auction environment, at least one of the vendor proposals being responsive to the RFP and including a proposed price for the specified commodity. ("A supplier responds to a buyer RFQ by inputting various information about its proposed supply of the requested forgings. Specifically, suppliers will generally provide a price and delivery date as well as any additional terms and conditions the supplier desires to add to the deal." – see paragraph 0041);
- extracting the proposed price from each of the responsive vendor proposals. (Gillman discloses "The auction system of the present invention may preferably offer a self-adjusting bid feature where, once a bid of this type is placed, the offer of a selling price will be automatically lowered if a lower price is entered by a competing supplier." – see paragraph 0013 – establishing that Gillman is able to extract the proposed price from each responsive vendor proposal.);
- comparing the proposed price (supplier's current bid price) to the estimated market price (lowest bid price among competing suppliers) of the specified commodity. (Gillman discloses "The auction system of the present invention may preferably offer a self-adjusting bid feature where, once a bid of this type is placed, the offer of a selling price will be automatically lowered if a lower price is entered by a competing supplier." – see paragraph 0013 –

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establishing that Gillman is able to compare the seller's proposed price to the currently available market price); and

- updating the database with the proposed price (supplier's self-adjusting bid) so that the estimated market price (lowest bid price among competing suppliers) more accurately approximates an actual market price (corrected lowest bid price after addition of supplier's self-adjusting bid). (Gillman discloses "The auction system of the present invention may preferably offer a self-adjusting bid feature where, once a bid of this type is placed, the offer of a selling price will be automatically lowered if a lower price is entered by a competing supplier." – see paragraph 0013 – establishing that Gillman is able to update the market price based upon a lower self-adjusting bid price).

Gillman does not teach a method in which a nonprice market term stored in association with one or more of the commodity designations.

Fretik discloses in which a nonprice market term stored in association with one or more of the commodity designations. ("In a given record corresponding to certain commodities, there are respective fields for indicating quantity, color, other features, attributes and prices of the commodities." – see paragraph 0050).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Gillman by associating nonprice market terms with each commodity, as was done by Fretik, to allow for the bid solicitors to more accurately describe the desired commodity.

Regarding Claim 10, Gillman discloses a method in which the updating of the database includes updating the estimated market price (lowest bid price among competing suppliers) only if the proposed price (self-adjusting bid) is less than the estimated market price (lowest bid price of competing suppliers). (Gillman discloses “The auction system of the present invention may preferably offer a self-adjusting bid feature where, once a bid of this type is placed, the offer of a selling price will be automatically lowered if a lower price is entered by a competing supplier.” – see paragraph 0013).

Regarding Claim 11, Gillman does not teach a method in which the estimated market price has an age and the updating of the database includes updating the estimated market price when its age exceeds a predetermined expiration age.

Fretik discloses a method of claim in which the estimated market price (lowest bid price) has an age and the updating of the database includes updating the estimated market price (lowest bid price) when its age exceeds a predetermined expiration age. (Fertik discloses “Although price-time rules have been previously discussed, the rules may further include expiration of an order (sellers’ or buyers’) after a period of time as predefined by the respective user. In the case where the sellers’ rule is to decrease the asking price to a best Bid after a certain period of time, then the invention system simulates auctioning.” – see paragraph 0082 – establishing that the market price (lowest bid price) will be updated after a predetermined expiration age.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Gillman by incorporating a predetermined

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expiration date to a bid price, expiration of which would update the database, as was done by Fretik, to provide the vendor the ability to limit the time span for acceptance of his bid proposal.

Regarding Claim 13, neither Gillman nor Fretik disclose a method in which the commodities include telecommunications services. (Gillman discloses “goods and/or services” – see paragraph 0011.) While Gillman does not explicitly state that commodities include telecommunication services, it is well-known in the art that telecommunication services can be defined as commodities.

Regarding Claim 14, Gillman does not teach a method in which the nonprice market term is associated with a combination of:

- (a) one or more of the commodities, and
- (b) the estimated market price for said one or more commodities.

Fretik discloses a method in which the nonprice market term is associated with a combination of:

- (a) one or more of the commodities, and
- (b) the estimated market price for said one or more commodities. (“In a given record corresponding to certain commodities, there are respective fields for indicating quantity, color, other features, attributes and prices of the commodities.” – see paragraph 0050).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Gillman by associating nonprice market terms

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with each commodity and with each commodities price, as was done by Fretik, to allow for the bid solicitors to more accurately describe the desired commodity.

Regarding Claim 15, Gillman nor Fretik teach a method in which the nonprice market terms (features, attributes) are selected from the group consisting essentially of: quality of service. (Fretik discloses "In a given record corresponding to certain commodities, there are respective fields for indicating quantity, color, other features, attributes and prices of the commodities." – see paragraph 0050.) While Fretick does not explicitly state quality of service, it is well-known in the art that quality of service is a fundamental nonprice market terms associated with telecommunication service.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gillman in view of Marsh (U.S. Patent 6,574,465),

Gillman discloses a method in which:

- the RFP includes an anticipated quantity of the specified commodity. ("After the buyer's information has been entered, the RFQ submission form request a description of the requested product, the desired quantity, the expected date of delivery, the desired material, the part number, and the form may provide a section for specifications." – see paragraph 0073).

Gillman does not teach a method in which:

- the database includes a volume-based estimated market price for each of multiple predefined quantity ranges of each of the commodities, at least one

of the predefined quantity ranges corresponding to the anticipated quantity of the RFP; and

- the comparison of the proposed price to the estimated market price includes comparing the proposed price to the volume-based estimated market price corresponding to the anticipated quantity.

Marsh discloses a method in which:

- the database (74, figure 2) includes a volume-based (minutes-based) estimated market price (current rate plan) for each of multiple predefined quantity (minutes) ranges of each of the commodities (telecommunications services), at least one of the predefined quantity (minutes) ranges corresponding to the anticipated quantity (minutes) of the RFP. (Marsh discloses "One way this variability is reflected is by the user's usage of the account, as measured by the minutes of wireless service use on a period-by-period basis." – see paragraph 0081 – establishing that usage of telecommunication services is measured in minutes.) (Marsh discloses "In this regard, the method can be broadly summarized by the following steps: receiving billing information associated with a subscriber of a telecommunication service under a current rate plan; processing the subscriber related billing information to produce organized data in a calling profile record for each telecommunication service being used by the subscriber; creating a usage history table and a call detail table from the processed billing information; analyzing the processed data in relation to at least one rate plan of

a plurality of at least one telecommunication service provider; determining at least one proposed rate plan that would save the subscriber telecommunication costs relative to the current rate plan, via use of the usage history table and call detail table; and producing a report of the at least one proposed rate plan to enable selection of a best telecommunication service provider and a best rate plan.” – see paragraph 0010 – establishing that system has access to a plurality of rate plans based upon the minutes used); and

- the comparison of the proposed price (rate plan) to the estimated market price (current rate plan) includes comparing the proposed price to the volume-based estimate market price (current rate plan) corresponding to the anticipated quantity. (“In this regard, the method can be broadly summarized by the following steps: receiving billing information associated with a subscriber of a telecommunication service under a current rate plan; processing the subscriber related billing information to produce organized data in a calling profile record for each telecommunication service being used by the subscriber; creating a usage history table and a call detail table from the processed billing information; analyzing the processed data in relation to at least one rate plan of a plurality of at least one telecommunication service provider; determining at least one proposed rate plan that would save the subscriber telecommunication costs relative to the current rate plan, via use of the usage history table and call detail table; and producing a report of the at least one

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proposed rate plan to enable selection of a best telecommunication service provider and a best rate plan.” – see paragraph 0010.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Gillman by incorporating the quantity of commodities to be purchased into the analysis of proposed prices, as was done by Marsh, to allow for a more accurate analysis of proposed prices when proposed prices are dependent on quantity.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gillman.

Gillman does not teach a method in which the commodities include telecommunications services. (Gillman discloses “goods and/or services” – see paragraph 0011.) While Gillman does not explicitly state that commodities include telecommunication services, it is well-known in the art that telecommunication services can be defined as commodities.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gillman in view of Fretik, as applied to Claim 9 above, and further in view of Marsh.

Gillman discloses a method in which:

- the RFP includes an anticipated quantity of the specified commodity. (“After the buyer’s information has been entered, the RFQ submission form request a description of the requested product, the desired quantity, the expected

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date of delivery, the desired material, the part number, and the form may provide a section for specifications.” – see paragraph 0073).

Gillman nor Fretik teach a method in which:

- the database includes a volume-based estimated market price for each of multiple predefined quantity ranges of each of the commodities, at least one of the predefined quantity ranges corresponding to the anticipated quantity of the RFP; and
- the comparison of the proposed price to the estimated market price includes comparing the proposed price to the volume-based estimated market price corresponding to the anticipated quantity.

Marsh discloses a method in which:

- the database (74, figure 2) includes a volume-based (minutes-based) estimated market price (current rate plan) for each of multiple predefined quantity (minutes) ranges of each of the commodities (telecommunications services), at least one of the predefined quantity (minutes) ranges corresponding to the anticipated quantity (minutes) of the RFP. (Marsh discloses “One way this variability is reflected is by the user's usage of the account, as measured by the minutes of wireless service use on a period-by-period basis.” – see paragraph 0081 – establishing that usage of telecommunication services is measured in minutes.) (Marsh discloses “In this regard, the method can be broadly summarized by the following steps: receiving billing information associated with a subscriber of a

telecommunication service under a current rate plan; processing the subscriber related billing information to produce organized data in a calling profile record for each telecommunication service being used by the subscriber; creating a usage history table and a call detail table from the processed billing information; analyzing the processed data in relation to at least one rate plan of a plurality of at least one telecommunication service provider; determining at least one proposed rate plan that would save the subscriber telecommunication costs relative to the current rate plan, via use of the usage history table and call detail table; and producing a report of the at least one proposed rate plan to enable selection of a best telecommunication service provider and a best rate plan.” – see paragraph 0010 – establishing that system has access to a plurality of rate plans based upon the minutes used); and

- the comparison of the proposed price (rate plan) to the estimated market price (current rate plan) includes comparing the proposed price to the volume-based estimate market price (current rate plan) corresponding to the anticipated quantity. (“In this regard, the method can be broadly summarized by the following steps: receiving billing information associated with a subscriber of a telecommunication service under a current rate plan; processing the subscriber related billing information to produce organized data in a calling profile record for each telecommunication service being used by the subscriber; creating a usage history table and a call detail table from the processed billing

information; analyzing the processed data in relation to at least one rate plan of a plurality of at least one telecommunication service provider; determining at least one proposed rate plan that would save the subscriber telecommunication costs relative to the current rate plan, via use of the usage history table and call detail table; and producing a report of the at least one proposed rate plan to enable selection of a best telecommunication service provider and a best rate plan." – see paragraph 0010.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Gillman by incorporating the quantity of commodities to be purchased into the analysis of proposed prices, as was done by Marsh, to allow for a more accurate analysis of proposed prices when proposed prices are dependent on quantity.

Claims 16 – 23, 25 – 27, 28 – 33, 35 – 43, and 45 - 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Meir (U.S. Patent Pub. US 2993/0014326 A1) in view of Marsh.

Regarding Claim 16, Ben-Meir discloses a system for facilitating the purchase of services, comprising:

- a best of class database (see 50, figure 1) including an estimated market price (lowest bid price) for at least one service. ("Also to aid in evaluation and analysis, the bid solicitation owner preferably can search bid solicitations in system repositories; bid solicitation templates in system repositories;

colleagues in system directories; bidders in system directories; and requirements in system repositories. Search functionality may include full text searching; user-defined searches such as owner, date ranges, new collaboration requests, new bidder responses and the like; requirement-specific searches such as key words, weight, response type and the like; and functionality-specific searches such as bidders, prices, dates and the like.” – see paragraph 0061);

- an RFP preparation module accessible by the customer via the Internet for preparation of a request for proposals (RFP) describing an anticipated quantity of the service. (“First, the bid solicitation document is generated. For this, the following functionality is useful. To define the bid solicitation framework, the preferred embodiment provides an online framework for the generation of bid solicitation documents for any asset or service. It supports a full range of bid solicitation documents, from formal RFP documents essential for complex purposes to RFQs and RFIs suitable for the acquisition of many types of solutions. – see paragraph 0096) (“In the strategic partner selection module, for buyers an RFP management platform helps buyers to manage the RFI/RFP process from definition to negotiation.” – see paragraph 0090);
- an online reverse auction environment, accessible by multiple potential vendors via the Internet, the potential vendors including one or more interested vendors, the online reverse auction environment adapted to display

the RFP to the interested vendors and to receive bids on the RFP from the interested vendors. ("The preferred embodiment enables the buyer to establish a reverse auction amongst the bidders to achieve the best possible price." – see paragraph 0101) ("A method for making a purchase from a vendor using a computer connected to a computer network, the method comprising: using the computer to generate a bid solicitation to be provided to a plurality of vendors via the network; using the computer to provide the bid solicitation to the plurality of vendors over the network; receiving bids from the vendors over the computer network; generating an evaluation of each vendor bid using the computer..." – see Claim 1); and

- a bid analysis module in communication with the online reverse auction environment and the best of class database for analyzing the received bids. ("After the buyer has received responses to his solicitation, the bids must be analyzed and compared. For this, the preferred embodiment provides decision support tools to analyze, compare and perform sensitivity analyses on bids." – see paragraph 0001).

Ben-Meir does not teach a system for the purchase of services, comprising:

- a customer traffic history database including traffic information describing a historical quantity of the telecommunications service used by a customer during a previous time period; and

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- the RFP preparation module being adapted to extract the historical quantity from the customer traffic history database for use in determining the anticipated quantity of the telecommunications service.

Marsh discloses a system comprising:

- a customer traffic history database including traffic information describing a historical quantity of the telecommunications service used by a customer during a previous time period. ("A transceiver is configured to receive billing information associated with a subscriber of a telecommunications service under a current rate plan. A storage unit stores the billing information. A processor processes the subscriber related billing information to produce organized data in a calling profile record for each telecommunication service being used by the subscriber. The processor then creates a usage history table and a call detail table within the storage unit from the processed billing information." – see abstract); and
- a preparation module being adapted to extract the historical quantity from the customer traffic history database for use in determining the anticipated quantity of the telecommunications service ("The processor then determines at least one proposed rate plan that would save the subscriber telecommunication costs relative to the current rate plan, via use of the usage history table and the call detail table. A report of at least one proposed rate plan is then produced and provided to the subscriber, which enables selection of a best telecommunication service provider." – see abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ben-Meir to incorporate the ability to extract usage history and compare solicited bids to usage data, as was done by Marsh, to select the best telecommunication services bid based upon actual telecommunications usage.

Regarding Claim 17, Ben-Meir discloses a system further comprising a database updating module for updating the best of class database in response to the bids received from the interested vendors. (Ben-Meir discloses "After the buyer has received responses to his solicitation, the bids must be analyzed and compared. For this, the preferred embodiment provides decision support tools to analyze, compare and perform sensitivity analyses on bids...Finally, buyers will be able to track the progress of the bidding process as well as review past rejected responses, and can produce results and generate reports to justify their decisions in minutes." – see paragraph 0101 – establishing that the database is updated with newly received bids.)

Regarding Claim 18, Ben-Meir discloses a system in which the online reverse auction environment includes security. ("Preferably, the system provides some systemic safeguards to ensure the security of transacting parties. The system preferably provides authentication functions to both buyers and vendors to prevent fraudulent submissions and responses." – see paragraph 0167).

Neither Ben-Meir nor Marsh teach a system in which the online reverse auction environment includes security for admitting potential vendors only with a valid username and password. (Ben-Meir discloses "The system preferably provides authentication

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functions to both buyers and vendors to prevent fraudulent submissions and responses.” – see paragraph 0167). While Ben-Meir does not explicitly state the use of a valid username and password, it is well-known in the art that security can be provided by a username and password.

Regarding Claim 19, Ben-Meir discloses a system in which the bid analysis module is configured to provide a feedback (email) in response to receipt of a new bid (event) at the online reverse auction environment. (“The bid solicitation owner should be able to configure various parameters for e-mail messages sent or received as a result of the occurrence or non-occurrence of events such as: receipt of a colleague contribution, submission of a bid; failure to respond to a bid solicitation; and failure to respond to a collaboration request.” – see paragraph 0163).

Regarding Claim 20, Ben-Meir discloses a system in which the feedback (ranking and comparison report) includes a ranking of the new bid relative to the bids previously received at the online reverse auction environment. (“Finally, a ranking and comparison report shows the scores and ranking of bidders as a function of the evaluation record, weight allocation record (defaulting to the original), all or a subset of bid requirements; and bidders.” – see paragraph 0160).

Regarding Claim 21, Ben-Meir discloses a system in which the feedback (ability to view) is provided to the interested vendor that submitted the new bid. (“Similarly, the bidder preferably can view the following statistics during the bidding period: all bids without bidder identity; current lowest bid; that bidder's ranking versus other bids; percentage difference between that bidder's bid and the lowest bid; percentage

difference between that vendor's opening bid and his current bid; dollar difference between the vendor's bid and the lowest bid; the number of bids submitted during the bidding period; and the time left until bid closing. – see paragraph 0147).

Regarding Claim 22, Ben-Meir discloses a system in which the feedback (ability to view) is provided to interested vendors that have submitted bids previous to the new bid. (“Similarly, the bidder preferably can view the following statistics during the bidding period: all bids without bidder identity; current lowest bid; that bidder's ranking versus other bids; percentage difference between that bidder's bid and the lowest bid; percentage difference between that vendor's opening bid and his current bid; dollar difference between the vendor's bid and the lowest bid; the number of bids submitted during the bidding period; and the time left until bid closing. – see paragraph 0147).

Neither Ben-Meir nor Marsh teach that the feedback to interested vendors is provided via email. However, Ben-Meir does disclose the use of an email communication system. (“The bid solicitation owner should be able to configure various parameters for e-mail messages sent or received as a result of the occurrence or non-occurrence of events such as: receipt of a colleague contribution, submission of a bid; failure to respond to a bid solicitation; and failure to respond to a collaboration request.” – see paragraph 0163).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ben-Meir by incorporating email communication with interested vendors with its before-mentioned ability to provide feedback to interested vendors to provide another method of delivery of feedback to vendors.

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Regarding Claim 23, Ben-Meir discloses a system in which the feedback (ability to view) is provided to the potential vendors. ("Similarly, the bidder preferably can view the following statistics during the bidding period: all bids without bidder identity; current lowest bid; that bidder's ranking versus other bids; percentage difference between that bidder's bid and the lowest bid; percentage difference between that vendor's opening bid and his current bid; dollar difference between the vendor's bid and the lowest bid; the number of bids submitted during the bidding period; and the time left until bid closing. – see paragraph 0147).

Neither Ben-Meir nor Marsh teach that the feedback is provided via email. However, Ben-Meir does disclose the use of an email communication system. ("The bid solicitation owner should be able to configure various parameters for e-mail messages sent or received as a result of the occurrence or non-occurrence of events such as: receipt of a colleague contribution, submission of a bid; failure to respond to a bid solicitation; and failure to respond to a collaboration request." – see paragraph 0163).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ben-Meir by incorporating email communication with potential vendors with its before-mentioned ability to provide feedback to potential vendors to provide another method of delivery of feedback to vendors.

Regarding Claim 25, Ben-Meir discloses a system in which:

- the best of class database (see 50, figure 1) includes a volume-based (quantity-based) market price (lowest bid price). (Ben-Meir discloses "The bid solicitation document may include questions requiring numeric answers for

price, quantity and the like.” – see paragraph 0104 – establishing that the bid price is based upon the solicitation’s stated quantity). (Ben-Meir discloses “Also to aid in evaluation and analysis, the bid solicitation owner preferably can search bid solicitations in system repositories; bid solicitation templates in system repositories; colleagues in system directories; bidders in system directories; and requirements in system repositories. Search functionality may include full text searching; user-defined searches such as owner, date ranges, new collaboration requests, new bidder responses and the like; requirement-specific searches such as key words, weight, response type and the like; and functionality-specific searches such as bidders, prices, dates and the like.” – see paragraph 0061 – establishing that bid prices based upon quantity are stored in a database.);

Ben-Meir does not teach that a system in which:

- the best of class database includes a volume-based estimated market price for each of multiple predefined quantity ranges of each of the telecommunications services, at least one of the quantity ranges corresponding to the anticipated quantity of the telecommunications service; and
- the bid analysis module is adapted to compare the received bid with the volume-based estimated market price corresponding to the anticipated quantity.

Marsh discloses a system in which:

- the database (see 74, figure 2) includes a volume-based (minutes-based) estimated market price (current rate plan) for each of multiple predefined quantity (minutes) ranges of each of the telecommunications services, at least one of the quantity (minutes) ranges corresponding to the anticipated quantity (minutes) of the telecommunications service. (Marsh discloses “One way this variability is reflected is by the user's usage of the account, as measured by the minutes of wireless service use on a period-by-period basis.” – see paragraph 0081 – establishing that usage of telecommunication services is measured in minutes.) (Marsh discloses “In this regard, the method can be broadly summarized by the following steps: receiving billing information associated with a subscriber of a telecommunication service under a current rate plan; processing the subscriber related billing information to produce organized data in a calling profile record for each telecommunication service being used by the subscriber; creating a usage history table and a call detail table from the processed billing information; analyzing the processed data in relation to at least one rate plan of a plurality of at least one telecommunication service provider; determining at least one proposed rate plan that would save the subscriber telecommunication costs relative to the current rate plan, via use of the usage history table and call detail table; and producing a report of the at least one proposed rate plan to enable selection of a best telecommunication service provider and a best rate plan.” – see

paragraph 0010 – establishing that system has access to a plurality of rate plans based upon the minutes used); and

- the bid (rate plan) analysis module (processor) is adapted to compare the received bid (proposed rate plan) with the volume-based (minutes-based) estimated market price (current rate plan) corresponding to the anticipated quantity (minutes). (“In this regard, the method can be broadly summarized by the following steps: receiving billing information associated with a subscriber of a telecommunication service under a current rate plan; processing the subscriber related billing information to produce organized data in a calling profile record for each telecommunication service being used by the subscriber; creating a usage history table and a call detail table from the processed billing information; analyzing the processed data in relation to at least one rate plan of a plurality of at least one telecommunication service provider; determining at least one proposed rate plan that would save the subscriber telecommunication costs relative to the current rate plan, via use of the usage history table and call detail table; and producing a report of the at least one proposed rate plan to enable selection of a best telecommunication service provider and a best rate plan.” – see paragraph 0010.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ben-Meir by incorporating the quantity of telecommunications service to be purchased into the analysis of proposed prices, as

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was done by Marsh, to allow for a more accurate analysis of proposed prices when proposed prices are dependent on quantity.

Regarding Claim 26, Ben-Meir discloses a system in which:

- the database (see 50, figure 1) includes one or more nonprice market terms for the telecommunications services. (Ben-Meir discloses “They will be able to add custom preferences to any purchase and select vendors according to multiple criteria, rather than just price.” – see paragraph 0008 – establishing the inclusion of nonprice market terms.) (“Scores and weights may be assigned to both qualitative and quantitative requirements.” – see paragraph 0096);
- the RFP preparation (bid solicitation) module prompts the customer for one or more desired nonprice (qualitative) terms. (“First, the bid solicitation document is generated. For this, the following functionality is useful. To define the bid solicitation framework, the preferred embodiment provides an online framework for the generation of bid solicitation documents for any asset or service. It supports a full range of bid solicitation documents, from formal RFP documents essential for complex purposes to RFQs and RFIs suitable for the acquisition of many types of solutions. Scores and weights may be assigned to both qualitative and quantitative requirements.” – paragraph 0096); and
- the online reverse auction environment prompts the interested vendors for responses to the desired nonprice terms as part of the bids of the interested

vendors. ("For vendors a proposal management platform helps vendors respond to requests for information and proposals by providing them with a flexible, accurate and intuitive online framework." – paragraph 0091). ("Scores and weights may be assigned to both qualitative and quantitative requirements." – see paragraph 0096).

Regarding Claim 27, Ben-Meir discloses a system in which the bid analysis module (decision support tools) is adapted to analyze the responses to the desired nonprice terms when analyzing the received bids. ("Scores and weights may be assigned to both qualitative and quantitative requirements." – see paragraph 0096). ("After the buyer has received responses to his solicitation, the bids must be analyzed and compared. For this, the preferred embodiment provides decision support tools to analyze, compare and perform sensitivity analyses on bids." – see paragraph 0101).

Regarding Claim 28, Ben-Meir discloses a system for facilitating the purchase of services, comprising:

- a best of class database (see 50, figure 1) including an estimated market price (lowest bid price) for at least one service. ("Also to aid in evaluation and analysis, the bid solicitation owner preferably can search bid solicitations in system repositories; bid solicitation templates in system repositories; colleagues in system directories; bidders in system directories; and requirements in system repositories. Search functionality may include full text searching; user-defined searches such as owner, date ranges, new collaboration requests, new bidder responses and the like; requirement-

specific searches such as key words, weight, response type and the like; and functionality-specific searches such as bidders, prices, dates and the like.” – see paragraph 0061);

- an RFP preparation module accessible by the customer via the Internet for preparation of a request for proposals (RFP) describing an anticipated quantity of the service. (“First, the bid solicitation document is generated. For this, the following functionality is useful. To define the bid solicitation framework, the preferred embodiment provides an online framework for the generation of bid solicitation documents for any asset or service. It supports a full range of bid solicitation documents, from formal RFP documents essential for complex purposes to RFQs and RFIs suitable for the acquisition of many types of solutions. – see paragraph 0096) (“In the strategic partner selection module, for buyers an RFP management platform helps buyers to manage the RFI/RFP process from definition to negotiation.” – see paragraph 0090);
- an online reverse auction environment, accessible by multiple potential vendors via the Internet, the potential vendors including one or more interested vendors, the online reverse auction environment adapted to display the RFP to the interested vendors and to receive bids on the RFP from the interested vendors. (“The preferred embodiment enables the buyer to establish a reverse auction amongst the bidders to achieve the best possible price.” – see paragraph 0101) (“A method for making a purchase from a

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vendor using a computer connected to a computer network, the method comprising: using the computer to generate a bid solicitation to be provided to a plurality of vendors via the network; using the computer to provide the bid solicitation to the plurality of vendors over the network; receiving bids from the vendors over the computer network; generating an evaluation of each vendor bid using the computer...” – see Claim 1);

- a bid analysis module in communication with the online reverse auction environment and the best of class database for analyzing the received bids and generating a feedback in response to the received bids. (“After the buyer has received responses to his solicitation, the bids must be analyzed and compared. For this, the preferred embodiment provides decision support tools to analyze, compare and perform sensitivity analyses on bids.” – see paragraph 0001). (“Similarly, the bidder preferably can view the following statistics during the bidding period: all bids without bidder identity; current lowest bid; that bidder's ranking versus other bids; percentage difference between that bidder's bid and the lowest bid; percentage difference between that vendor's opening bid and his current bid; dollar difference between the vendor's bid and the lowest bid; the number of bids submitted during the bidding period; and the time left until bid closing. – paragraph 0147); and
- a database updating module for updating the best of class database in response to the bids received from the interested vendors so that the estimated market price (old lowest bid price) more accurately approximates

an actual market price (new lowest bid price) (Ben-Meir discloses “After the buyer has received responses to his solicitation, the bids must be analyzed and compared. For this, the preferred embodiment provides decision support tools to analyze, compare and perform sensitivity analyses on bids...Finally, buyers will be able to track the progress of the bidding process as well as review past rejected responses, and can produce results and generate reports to justify their decisions in minutes.” – see paragraph 0101 – establishing that the database is updated with newly received bids.) (“The client application 30 supports cascading updates, in which an update of a specific application entity causes updates of additional application entities. This, of course, should cause an update of views of these entities if currently displayed. Further, it is preferable that the client 30 implements a background updating technique.” – paragraph 0055).

Ben-Meir does not teach a system for the purchase of services, comprising:

- a customer traffic history database including traffic information describing a historical quantity of the telecommunications service used by a customer during a previous time period; and
- the RFP preparation module being adapted to extract the historical quantity from the customer traffic history database for use in determining the anticipated quantity of the telecommunications service.

Marsh discloses a system comprising:

- a customer traffic history database (usage history and call detail table) including traffic information (usage history) describing a historical quantity (minutes) of the telecommunications service used by a customer during a previous time period. (“A transceiver is configured to receive billing information associated with a subscriber of a telecommunications service under a current rate plan. A storage unit stores the billing information. A processor processes the subscriber related billing information to produce organized data in a calling profile record for each telecommunication service being used by the subscriber. The processor then creates a usage history table and a call detail table within the storage unit from the processed billing information.” – see abstract); and
- a preparation module being adapted to extract the historical quantity (minutes) from the customer traffic history database (usage history and call detail table) for use in determining the anticipated quantity (minutes) of the telecommunications service (Marsh discloses “The processor then determines at least one proposed rate plan that would save the subscriber telecommunication costs relative to the current rate plan, via use of the usage history table and the call detail table. A report of at least one proposed rate plan is then produced and provided to the subscriber, which enables selection of a best telecommunication service provider.” – see abstract – establishing that Marsh must be able to extract quantity from traffic history in order to conduct analysis).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ben-Meir by incorporating the ability to compare telecommunications service usage to proposed telecommunication services prices, as was done by Marsh, to allow for a more accurate analysis of proposed prices when selection of best proposed price is dependent on usage.

Regarding Claim 29, Ben-Meir discloses a system in which the online reverse auction environment includes security. ("Preferably, the system provides some systemic safeguards to ensure the security of transacting parties. The system preferably provides authentication functions to both buyers and vendors to prevent fraudulent submissions and responses." – see paragraph 0167).

Neither Ben-Meir nor Marsh teach a system in which the online reverse auction environment includes security for admitting potential vendors only with a valid username and password. (Ben-Meir discloses "The system preferably provides authentication functions to both buyers and vendors to prevent fraudulent submissions and responses." – see paragraph 0167). While Ben-Meir does not explicitly state the use of a valid username and password, it is well-known in the art that security can be provided by a username and password.

Regarding Claim 30, Ben-Meir discloses a system in which the feedback (ability to view) is provided to the interested vendor that submitted the received bid. ("Similarly, the bidder preferably can view the following statistics during the bidding period: all bids without bidder identity; current lowest bid; that bidder's ranking versus other bids; percentage difference between that bidder's bid and the lowest bid; percentage

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difference between that vendor's opening bid and his current bid; dollar difference between the vendor's bid and the lowest bid; the number of bids submitted during the bidding period; and the time left until bid closing. – see paragraph 0147).

Regarding Claim 31, Ben-Meir discloses a system in which the feedback is provided via email to the potential vendors. ("Similarly, the bidder preferably can view the following statistics during the bidding period: all bids without bidder identity; current lowest bid; that bidder's ranking versus other bids; percentage difference between that bidder's bid and the lowest bid; percentage difference between that vendor's opening bid and his current bid; dollar difference between the vendor's bid and the lowest bid; the number of bids submitted during the bidding period; and the time left until bid closing. – see paragraph 0147).

Neither Ben-Meir nor Marsh teach that the feedback to potential vendors is provided via email. However, Ben-Meir does disclose the use of an email communication system. ("The bid solicitation owner should be able to configure various parameters for e-mail messages sent or received as a result of the occurrence or non-occurrence of events such as: receipt of a colleague contribution, submission of a bid; failure to respond to a bid solicitation; and failure to respond to a collaboration request." – see paragraph 0163).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ben-Meir by incorporating email communication with vendors with its before-mentioned ability to provide feedback to potential vendors to provide another method of delivery of feedback to potential vendors.

Regarding Claim 32, Ben-Meir discloses a system in which:

- the received bids include a newly received bid and a previously received bid.
(Ben-Meir discloses “Similarly, the bidder preferably can view the following statistics during the bidding period: all bids without bidder identity; current lowest bid; that bidder's ranking versus other bids; percentage difference between that bidder's bid and the lowest bid; percentage difference between that vendor's opening bid and his current bid; dollar difference between the vendor's bid and the lowest bid; the number of bids submitted during the bidding period; and the time left until bid closing.” – see paragraph 0147 – establishing that the system includes newly received bids and previously received bids); and
- the feedback (ranking and comparison report) includes a ranking of the newly received bid relative to the previously received bid. (“Finally, a ranking and comparison report shows the scores and ranking of bidders as a function of the evaluation record, weight allocation record (defaulting to the original), all or a subset of bid requirements; and bidders.” – see paragraph 0160).

Regarding Claim 33, Ben-Meir discloses a system in which the feedback is provided to the interested vendor that submitted the previously received bid. (“Similarly, the bidder preferably can view the following statistics during the bidding period: all bids without bidder identity; current lowest bid; that bidder's ranking versus other bids; percentage difference between that bidder's bid and the lowest bid; percentage difference between that vendor's opening bid and his current bid; dollar difference

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between the vendor's bid and the lowest bid; the number of bids submitted during the bidding period; and the time left until bid closing. – paragraph 0147).

Regarding Claim 35, Ben-Meir discloses a system in which:

- the best of class database (see 50, figure 1) includes a volume-based (quantity-based) market price (lowest bid price). (Ben-Meir discloses “The bid solicitation document may include questions requiring numeric answers for price, quantity and the like.” – see paragraph 0104 – establishing that the bid price is based upon the solicitation's stated quantity). (Ben-Meir discloses “Also to aid in evaluation and analysis, the bid solicitation owner preferably can search bid solicitations in system repositories; bid solicitation templates in system repositories; colleagues in system directories; bidders in system directories; and requirements in system repositories. Search functionality may include full text searching; user-defined searches such as owner, date ranges, new collaboration requests, new bidder responses and the like; requirement-specific searches such as key words, weight, response type and the like; and functionality-specific searches such as bidders, prices, dates and the like.” – see paragraph 0061 – establishing that bid prices based upon quantity are stored in a database.);

Ben-Meir does not teach that a system in which:

- the best of class database includes a volume-based estimated market price for each of multiple predefined quantity ranges of each of the telecommunications services, at least one of the quantity ranges

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corresponding to the anticipated quantity of the telecommunications service;

and

- the bid analysis module is adapted to compare the received bid with the volume-based estimated market price corresponding to the anticipated quantity.

Marsh discloses a system in which:

- the database (74, figure 2) includes a volume-based (minutes-based) estimated market price (current rate plan) for each of multiple predefined quantity (minutes) ranges of each of the telecommunications services, at least one of the quantity (minutes) ranges corresponding to the anticipated quantity (minutes) of the telecommunications service. (Marsh discloses “One way this variability is reflected is by the user's usage of the account, as measured by the minutes of wireless service use on a period-by-period basis.” – see paragraph 0081 – establishing that usage of telecommunication services is measured in minutes.) (Marsh discloses “In this regard, the method can be broadly summarized by the following steps: receiving billing information associated with a subscriber of a telecommunication service under a current rate plan; processing the subscriber related billing information to produce organized data in a calling profile record for each telecommunication service being used by the subscriber; creating a usage history table and a call detail table from the processed billing information; analyzing the processed data in relation to at least one rate plan of a plurality of at least one

telecommunication service provider; determining at least one proposed rate plan that would save the subscriber telecommunication costs relative to the current rate plan, via use of the usage history table and call detail table; and producing a report of the at least one proposed rate plan to enable selection of a best telecommunication service provider and a best rate plan.” – see paragraph 0010 – establishing that system has access to a plurality of rate plans based upon the minutes used); and

- the bid (rate plan) analysis module (processor) is adapted to compare the received bid (proposed rate plan) with the volume-based (minutes-based) estimated market price (current rate plan) corresponding to the anticipated quantity (minutes). (“In this regard, the method can be broadly summarized by the following steps: receiving billing information associated with a subscriber of a telecommunication service under a current rate plan; processing the subscriber related billing information to produce organized data in a calling profile record for each telecommunication service being used by the subscriber; creating a usage history table and a call detail table from the processed billing information; analyzing the processed data in relation to at least one rate plan of a plurality of at least one telecommunication service provider; determining at least one proposed rate plan that would save the subscriber telecommunication costs relative to the current rate plan, via use of the usage history table and call detail table; and producing a report of the at least one proposed rate plan to enable selection of a best

telecommunication service provider and a best rate plan.” – see paragraph 0010.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ben-Meir by incorporating the quantity of telecommunications service to be purchased into the analysis of proposed prices, as was done by Marsh, to allow for a more accurate analysis of proposed prices when proposed prices are dependent on quantity.

Regarding Claim 36, Ben-Meir discloses a system in which:

- the RFP preparation (bid solicitation) module prompts the customer for one or more desired nonprice (qualitative) terms. (Ben-Meir discloses “First, the bid solicitation document is generated. For this, the following functionality is useful. To define the bid solicitation framework, the preferred embodiment provides an online framework for the generation of bid solicitation documents for any asset or service. It supports a full range of bid solicitation documents, from formal RFP documents essential for complex purposes to RFQs and RFIs suitable for the acquisition of many types of solutions. Scores and weights may be assigned to both qualitative and quantitative requirements.” – see paragraph 0096 – establishing that submission of nonprice terms are part of the RFP preparation); and
- the online reverse auction environment prompts the interested vendors for responses to the desired nonprice (qualitative) terms as part of the bids of the interested vendors. (“For vendors a proposal management platform helps

vendors respond to requests for information and proposals by providing them with a flexible, accurate and intuitive online framework.” – see paragraph 0091). (“Scores and weights may be assigned to both qualitative and quantitative requirements.” – see paragraph 0096).

Regarding Claim 37, Ben-Meir discloses a system in which the bid analysis module is adapted to analyze the responses to the desired nonprice terms when analyzing the received bids. (“Scores and weights may be assigned to both qualitative and quantitative requirements.” – see paragraph 0096). (“After the buyer has received responses to his solicitation, the bids must be analyzed and compared. For this, the preferred embodiment provides decision support tools to analyze, compare and perform sensitivity analyses on bids.” – see paragraph 0101).

Regarding Claim 38, Ben-Meir discloses a system in which:

- the best of class database (see 50, figure 1) includes one or more nonprice market terms for the telecommunications services. (Ben-Meir discloses “They will be able to add custom preferences to any purchase and select vendors according to multiple criteria, rather than just price.” – see paragraph 0008 – establishing the inclusion of nonprice market terms.); and
- the database updating module is adapted to update the estimated market (lowest bid price) price and the nonprice market terms of the best of class database. (Ben-Meir discloses “After the buyer has received responses to his solicitation, the bids must be analyzed and compared. For this, the preferred embodiment provides decision support tools to analyze, compare and perform

sensitivity analyses on bids...Finally, buyers will be able to track the progress of the bidding process as well as review past rejected responses, and can produce results and generate reports to justify their decisions in minutes.” – see paragraph 0101 – establishing that the database is updated with newly received bids.)

Regarding Claim 39, Ben-Meir discloses a system for reducing the cost of telecommunications services, comprising:

- a best of class database (see 50, figure 1) including an estimated market price (lowest bid price) for service. (“Also to aid in evaluation and analysis, the bid solicitation owner preferably can search bid solicitations in system repositories; bid solicitation templates in system repositories; colleagues in system directories; bidders in system directories; and requirements in system repositories. Search functionality may include full text searching; user-defined searches such as owner, date ranges, new collaboration requests, new bidder responses and the like; requirement-specific searches such as key words, weight, response type and the like; and functionality-specific searches such as bidders, prices, dates and the like.”– see paragraph 0061);
- an RFP preparation module accessible by the customer via the Internet for of a request for proposals (RFP) describing an anticipated quantity of a service. (“First, the bid solicitation document is generated. For this, the following functionality is useful. To define the bid solicitation framework, the preferred embodiment provides an online framework for the generation of bid

solicitation documents for any asset or service. It supports a full range of bid solicitation documents, from formal RFP documents essential for complex purposes to RFQs and RFIs suitable for the acquisition of many types of solutions. – see paragraph 0096) (“In the strategic partner selection module, for buyers an RFP management platform helps buyers to manage the RFI/RFP process from definition to negotiation.” – see paragraph 0090);

- an online reverse auction environment accessible by multiple potential vendors via the Internet, the potential vendors including one or more interested vendors, the online reverse auction environment adapted to present the RFP to the interested vendors and to receive bids on the RFP from the interested vendors. (“The preferred embodiment enables the buyer to establish a reverse auction amongst the bidders to achieve the best possible price.” – see paragraph 0101) (“A method for making a purchase from a vendor using a computer connected to a computer network, the method comprising: using the computer to generate a bid solicitation to be provided to a plurality of vendors via the network; using the computer to provide the bid solicitation to the plurality of vendors over the network; receiving bids from the vendors over the computer network; generating an evaluation of each vendor bid using the computer...” – see Claim 1);
- a bid analysis module (decision support tools) in communication with the online reverse auction environment and the best of class database for analyzing the received bids and generating a feedback in response to the

received bids ("After the buyer has received responses to his solicitation, the bids must be analyzed and compared. For this, the preferred embodiment provides decision support tools to analyze, compare and perform sensitivity analyses on bids." – see paragraph 0001) ("Finally, a ranking and comparison report shows the scores and ranking of bidders as a function of the evaluation record, weight allocation record (defaulting to the original), all or a subset of bid requirements; and bidders." – see paragraph 0160); and

- a database updating module for updating the best of class database (see 50, figure 1) in response to the bids received from the interested vendors so that the estimated market price (old lowest bid price) more accurately approximates an actual market price (new lowest bid price) (Ben-Meir discloses "After the buyer has received responses to his solicitation, the bids must be analyzed and compared. For this, the preferred embodiment provides decision support tools to analyze, compare and perform sensitivity analyses on bids...Finally, buyers will be able to track the progress of the bidding process as well as review past rejected responses, and can produce results and generate reports to justify their decisions in minutes." – see paragraph 0101 – establishing that the database is updated with newly received bids.) ("The client application 30 supports cascading updates, in which an update of a specific application entity causes updates of additional application entities. This, of course, should cause an update of views of

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these entities if currently displayed. Further, it is preferable that the client 30 implements a background updating technique.” – paragraph 0055).

Ben-Meir does not teach a system for reducing the cost of telecommunications services, comprising:

- a best of class database including multiple generic classes of telecommunications service and an estimated market price for one or more of the generic classes of telecommunications service;
- a customer traffic history database including traffic information describing, a historical quantity of at least some of the generic classes of telecommunications service used by a customer during a previous time period; and
- a spending analysis software module for reading multiple telecommunications billing statements including traffic detail data, extracting the traffic detail data from the telecommunications billing statements, converting the traffic detail data to the generic classes of telecommunications service, and updating the historical quantity of the customer traffic history database with the converted traffic detail data.

Marsh discloses discloses a system for reducing the cost of telecommunications services, comprising:

- a best of class database (storage unit) including multiple generic classes (rate plans) of telecommunications service and an estimated market price (proposed rate plan) for one or more of the generic classes (rate plans) of

telecommunications service. ("The method of claim 1, wherein the usage history table and the call detail table exist within a storage unit located within a computer that performs the method." – Claim 3). (Marsh discloses "The processor then determines at least one proposed rate plan that would save the subscriber telecommunication costs relative to the current rate plan, via use of the usage history table and the call detail table." – see abstract – establishing that current and proposed rate plans are stored within the system.)

- a customer traffic history database including traffic information (usage history and call detail table) describing, a historical quantity (minutes) of at least some of the generic classes (rate plan) of telecommunications service used by a customer during a previous time period. ("A transceiver is configured to receive billing information associated with a subscriber of a telecommunications service under a current rate plan. A storage unit stores the billing information. A processor processes the subscriber related billing information to produce organized data in a calling profile record for each telecommunication service being used by the subscriber. The processor then creates a usage history table and a call detail table within the storage unit from the processed billing information." – see abstract); and
- a spending analysis software module for reading multiple telecommunications billing statements including traffic detail data, extracting the traffic detail data from the telecommunications billing statements, converting the traffic detail

data to the generic classes of telecommunications service, and updating the historical quantity of the customer traffic history database with the converted traffic detail data. ("A transceiver is configured to receive billing information associated with a subscriber of a telecommunications service under a current rate plan." – see abstract). ("The method of claim 1, further comprising the step of: creating a staging table which stores a minimum set of data and allows for the extraction of a minimum set of billing information used to create the call detail table." – Claim 4) (Marsh discloses "The DL process 320 makes use of two text files, namely, a "Map" file 440 and a "Visual Basic, Scripting Edition (VBS).TM." file 450, to flexibly define or control the configuration of the data import process. The "Map" file 440 dictates to the DL process 320 how to map incoming data fields to destination data fields. The "VBS" file 450 is used by the DL process 320 to perform any custom transformations of input data before writing it to a destination, e.g., get dow_id from day_of_week. The Map 440 and VBS files 450 are developed as part of the data conversion process undertaken whenever new input data formats are presented by a customer base or carrier relationship base." – see col. 10, lines 20 – 31 – establishing that Marsh converts data to standard format for processing).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ben-Meir by incorporating the ability to compare telecommunications service usage to proposed telecommunication services prices, as was done by Marsh, to allow for a more accurate analysis of proposed prices when

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selection of best proposed price is dependent on usage. This comparison would require the extraction, conversion, storage and processing of billing data from multiple telecommunication billing statements.

Regarding Claim 40, Ben-Meir discloses a system in which the feedback (ability to view) is provided to the interested vendor that submitted the received bid. ("Similarly, the bidder preferably can view the following statistics during the bidding period: all bids without bidder identity; current lowest bid; that bidder's ranking versus other bids; percentage difference between that bidder's bid and the lowest bid; percentage difference between that vendor's opening bid and his current bid; dollar difference between the vendor's bid and the lowest bid; the number of bids submitted during the bidding period; and the time left until bid closing. – see paragraph 0147).

Regarding Claim 41, Ben-Meir discloses a system in which feedback is provided to the potential vendors. ("Similarly, the bidder preferably can view the following statistics during the bidding period: all bids without bidder identity; current lowest bid; that bidder's ranking versus other bids; percentage difference between that bidder's bid and the lowest bid; percentage difference between that vendor's opening bid and his current bid; dollar difference between the vendor's bid and the lowest bid; the number of bids submitted during the bidding period; and the time left until bid closing. – see paragraph 0147).

Neither Ben-Meir nor Marsh teach that the feedback is provided via email. However, Ben-Meir does disclose the use of an email communication system. ("The bid solicitation owner should be able to configure various parameters for e-mail messages

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sent or received as a result of the occurrence or non-occurrence of events such as:

receipt of a colleague contribution, submission of a bid; failure to respond to a bid solicitation; and failure to respond to a collaboration request.” – see paragraph 0163).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ben-Meir by incorporating email communication with potential vendors with its before-mentioned ability to provide feedback to potential vendors to provide another method of delivery of feedback to potential vendors.

Regarding Claim 42, Ben-Meir discloses a system in which:

- the received bids include a newly received bid and a previously received bid. (Ben-Meir discloses “Similarly, the bidder preferably can view the following statistics during the bidding period: all bids without bidder identity; current lowest bid; that bidder's ranking versus other bids; percentage difference between that bidder's bid and the lowest bid; percentage difference between that vendor's opening bid and his current bid; dollar difference between the vendor's bid and the lowest bid; the number of bids submitted during the bidding period; and the time left until bid closing.” – see paragraph 0147 – establishing that the system compares newly received bids and previously received bids); and
- the feedback (ranking and comparison report) includes a ranking of the newly received bid relative to the previously received bid. (“Finally, a ranking and comparison report shows the scores and ranking of bidders as a function of the evaluation record, weight allocation record (defaulting

to the original), all or a subset of bid requirements; and bidders.” – see paragraph 0160). (“After the buyer has received responses to his solicitation, the bids must be analyzed and compared. For this, the preferred embodiment provides decision support tools to analyze, compare and perform sensitivity analyses on bids...Finally, buyers will be able to track the progress of the bidding process as well as review past rejected responses, and can produce results and generate reports to justify their decisions in minutes.” – see paragraph 0101).

Regarding Claim 43, Ben-Meir discloses a system in which the feedback (ability to view) is provided to the interested vendor that submitted the previously received bid. (“Similarly, the bidder preferably can view the following statistics during the bidding period: all bids without bidder identity; current lowest bid; that bidder's ranking versus other bids; percentage difference between that bidder's bid and the lowest bid; percentage difference between that vendor's opening bid and his current bid; dollar difference between the vendor's bid and the lowest bid; the number of bids submitted during the bidding period; and the time left until bid closing. – paragraph 0147).

Regarding Claim 45, Ben-Meir discloses a system in which:

- the best of class database includes a volume-based (quantity-based) market price (lowest bid price). (Ben-Meir discloses “The bid solicitation document may include questions requiring numeric answers for price, quantity and the like.” – see paragraph 0104 – establishing that the bid price is based upon the solicitation's stated quantity). (Ben-Meir discloses “Also to aid in evaluation

and analysis, the bid solicitation owner preferably can search bid solicitations in system repositories; bid solicitation templates in system repositories; colleagues in system directories; bidders in system directories; and requirements in system repositories. Search functionality may include full text searching; user-defined searches such as owner, date ranges, new collaboration requests, new bidder responses and the like; requirement-specific searches such as key words, weight, response type and the like; and functionality-specific searches such as bidders, prices, dates and the like.”— see paragraph 0061 — establishing that bid prices based upon quantity are stored in a database.);

Ben-Meir does not teach that a system in which:

- the best of class database includes a volume-based estimated market price for each of multiple predefined quantity ranges of each of the telecommunications services, at least one of the quantity ranges corresponding to the anticipated quantity of the telecommunications service; and
- the bid analysis module is adapted to compare the received bid with the volume-based estimated market price corresponding to the anticipated quantity.

Marsh discloses a system in which:

- the database (see 74, figure 2) includes a volume-based (minutes-based) estimated market price (current rate plan) for each of multiple predefined

quantity (minutes) ranges of each of the telecommunications services, at least one of the quantity (minutes) ranges corresponding to the anticipated quantity (minutes) of the telecommunications service. (Marsh discloses "One way this variability is reflected is by the user's usage of the account, as measured by the minutes of wireless service use on a period-by-period basis." – see paragraph 0081 – establishing that usage of telecommunication services is measured in minutes.) (Marsh discloses "In this regard, the method can be broadly summarized by the following steps: receiving billing information associated with a subscriber of a telecommunication service under a current rate plan; processing the subscriber related billing information to produce organized data in a calling profile record for each telecommunication service being used by the subscriber; creating a usage history table and a call detail table from the processed billing information; analyzing the processed data in relation to at least one rate plan of a plurality of at least one telecommunication service provider; determining at least one proposed rate plan that would save the subscriber telecommunication costs relative to the current rate plan, via use of the usage history table and call detail table; and producing a report of the at least one proposed rate plan to enable selection of a best telecommunication service provider and a best rate plan." – see col. 2, lines 8 - 22 – establishing that system has access to a plurality of rate plans based upon the minutes used); and

- the bid (rate plan) analysis module (processor) is adapted to compare the received bid (proposed rate plan) with the volume-based (minutes-based) estimated market price (current rate plan) corresponding to the anticipated quantity (minutes). ("In this regard, the method can be broadly summarized by the following steps: receiving billing information associated with a subscriber of a telecommunication service under a current rate plan; processing the subscriber related billing information to produce organized data in a calling profile record for each telecommunication service being used by the subscriber; creating a usage history table and a call detail table from the processed billing information; analyzing the processed data in relation to at least one rate plan of a plurality of at least one telecommunication service provider; determining at least one proposed rate plan that would save the subscriber telecommunication costs relative to the current rate plan, via use of the usage history table and call detail table; and producing a report of the at least one proposed rate plan to enable selection of a best telecommunication service provider and a best rate plan." – see col. 2, lines 8 - 22.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ben-Meir by incorporating the quantity of telecommunications service to be purchased into the analysis of proposed prices, as was done by Marsh, to allow for a more accurate analysis of proposed prices when proposed prices are dependent on quantity.

Regarding Claim 46, Ben-Meir discloses a system in which:

- the RFP preparation (bid solicitation) module prompts the customer for one or more desired nonprice (qualitative) terms. ("First, the bid solicitation document is generated. For this, the following functionality is useful. To define the bid solicitation framework, the preferred embodiment provides an online framework for the generation of bid solicitation documents for any asset or service. It supports a full range of bid solicitation documents, from formal RFP documents essential for complex purposes to RFQs and RFIs suitable for the acquisition of many types of solutions. Scores and weights may be assigned to both qualitative and quantitative requirements." – paragraph 0096) (Ben-Meir discloses "They will be able to add custom preferences to any purchase and select vendors according to multiple criteria, rather than just price." – see paragraph 0008 – establishing the inclusion of nonprice market terms.); and
- the online reverse auction environment prompts the interested vendors for responses to the desired nonprice (qualitative) terms as part of the bids of the interested vendors. ("For vendors a proposal management platform helps vendors respond to requests for information and proposals by providing them with a flexible, accurate and intuitive online framework." – paragraph 0091). ("Scores and weights may be assigned to both qualitative and quantitative requirements." – see paragraph 0096).

Regarding Claim 47, Ben-Meir discloses a system in which the bid analysis module is adapted to analyze the responses to the desired nonprice (qualitative) terms when analyzing the received bids. ("Scores and weights may be assigned to both qualitative and quantitative requirements." – see paragraph 0096). ("After the buyer has received responses to his solicitation, the bids must be analyzed and compared. For this, the preferred embodiment provides decision support tools to analyze, compare and perform sensitivity analyses on bids." – see paragraph 0101).

Regarding Claim 48, Ben-Meir discloses a system in which:

- the best of class database (see 50, figure 1) includes one or more nonprice market (qualitative) terms for the telecommunications services. (Ben-Meir discloses "They will be able to add custom preferences to any purchase and select vendors according to multiple criteria, rather than just price." – see paragraph 0008 – establishing the inclusion of nonprice market terms.); and
- the database updating module is adapted to update the estimated market price (lowest bid price) and the nonprice (qualitative) market terms of the best of class database. (Ben-Meir discloses "After the buyer has received responses to his solicitation, the bids must be analyzed and compared. For this, the preferred embodiment provides decision support tools to analyze, compare and perform sensitivity analyses on bids...Finally, buyers will be able to track the progress of the bidding process as well as review past rejected responses, and can produce results and generate reports to justify

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their decisions in minutes.” – see paragraph 0101 – establishing that the database is updated with newly received bids.)

Claims 24, 34 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ben-Meir in view of Marsh, as applied to Claim 16 above, and further in view of Hoffman (U.S. Patent Pub. US 2001/0039529 A1).

Regarding Claim 24, Ben-Meir discloses a system for receiving and communicating through email. (“The bid solicitation owner should be able to configure various parameters for e-mail messages sent or received as a result of the occurrence or non-occurrence of events such as: receipt of a colleague contribution, submission of a bid; failure to respond to a bid solicitation; and failure to respond to a collaboration request.” – see paragraph 0163). (“Preferably, all communication between buyers and bidders is done through the system. Potential bidders will receive an e-mail invitation with a hyperlink which takes them to the system, at which point they can study the bid solicitation document and enter their bid.” – paragraph 0100).

Ben-Meir nor Marsh teach a system for receiving emails from each of the interested vendors email address of a reference individual and for receiving from the reference individual a reference feedback concerning the interested vendor.

Hoffman discloses a system for each of the interested vendors to have a reference individual and for receiving from the reference individual a reference feedback concerning the interested vendor. (“In a

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preferred embodiment, the present invention will allow the seller to perform a credit check 315, DMV 320, or allow the buyer to have on file a list of references to produce to the seller 325." – see paragraph 0023).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ben-Meir and Marsh by incorporating a reference feedback concerning the interested vendor, as was done by Hoffman, into their email communication system to provide buyers the ability to check the references of potential vendors.

Regarding Claim 34, Ben-Meir discloses a system for receiving and communicating through email. ("The bid solicitation owner should be able to configure various parameters for e-mail messages sent or received as a result of the occurrence or non-occurrence of events such as: receipt of a colleague contribution, submission of a bid; failure to respond to a bid solicitation; and failure to respond to a collaboration request." – see paragraph 0163). ("Preferably, all communication between buyers and bidders is done through the system. Potential bidders will receive an e-mail invitation with a hyperlink which takes them to the system, at which point they can study the bid solicitation document and enter their bid." – paragraph 0100).

Ben-Meir nor Marsh teach a system for receiving emails from each of the interested vendors email address of a reference individual and for receiving from the reference individual a reference feedback concerning the interested vendor.

Hoffman discloses a system for each of the interested vendors to have a reference individual and for receiving from the reference individual a reference feedback concerning the interested vendor. ("In a preferred embodiment, the present invention will allow the seller to perform a credit check 315, DMV 320, or allow the buyer to have on file a list of references to produce to the seller 325." – see paragraph 0023).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ben-Meir and Marsh by incorporating a reference feedback concerning the interested vendor, as was done by Hoffman, into their email communication system to provide buyers the ability to check the references of potential vendors.

Regarding Claim 44, Ben-Meir discloses a system for receiving and communicating through email. ("The bid solicitation owner should be able to configure various parameters for e-mail messages sent or received as a result of the occurrence or non-occurrence of events such as: receipt of a colleague contribution, submission of a bid; failure to respond to a bid solicitation; and failure to respond to a collaboration request." – see paragraph 0163). ("Preferably, all communication between buyers and bidders is done through the system. Potential bidders will receive an e-mail invitation with a hyperlink which takes them to the system, at which point they can study the bid solicitation document and enter their bid." – paragraph 0100).

Ben-Meir nor Marsh teach a system for receiving emails from each of the interested vendors email address of a reference individual and for receiving from the reference individual a reference feedback concerning the interested vendor.

Hoffman discloses a system for each of the interested vendors to have a reference individual and for receiving from the reference individual a reference feedback concerning the interested vendor. ("In a preferred embodiment, the present invention will allow the seller to perform a credit check 315, DMV 320, or allow the buyer to have on file a list of references to produce to the seller 325." – see paragraph 0023).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ben-Meir and Marsh by incorporating a reference feedback concerning the interested vendor, as was done by Hoffman, into their email communication system to provide buyers the ability to check the references of potential vendors.

Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh in view of Ben-Meir.

Marsh does not teach a method further comprising updating the best of class database based on the actual cost.

Ben-Mier discloses a method further comprising updating the best of class database (see 50, figure 1) based on the actual cost (lowest proposed bid). (Ben-Meir discloses "After the buyer has received responses to his solicitation, the bids must be

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analyzed and compared. For this, the preferred embodiment provides decision support tools to analyze, compare and perform sensitivity analyses on bids...Finally, buyers will be able to track the progress of the bidding process as well as review past rejected responses, and can produce results and generate reports to justify their decisions in minutes.” – see paragraph 0101 – establishing that the database is updated with newly received bids.) (“The client application 30 supports cascading updates, in which an update of a specific application entity causes updates of additional application entities. This, of course, should cause an update of views of these entities if currently displayed. Further, it is preferable that the client 30 implements a background updating technique.” – paragraph 0055).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marsh by incorporating the ability for the database to be updated with the actual cost (lowest proposed bid), as was done by Ben-Meir, to provide the user with the most up-to-date costs (bids) submitted by vendors.

Claims 55 and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh, in further view of An (U.S. Patent 4,726,056).

Regarding Claim 55, Marsh discloses a method in which:

- the traffic direction is selected from the group consisting of incoming and outgoing (originating_city, originating_state – col. 11, lines 53 – 54 – Table 4);

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- the type of service is selected from the group consisting of voice, paging, cellular, and data transmission (Marsh discloses a "PRODUCT_BUNDLE" – see col. 10, line 62, Table 1 – data table existing in the database. While Marsh does not explicitly state that PRODUCT_BUNDLE consists of voice, paging, cellular, and data transmission, it is well-known in the art that voice, paging, cellular, and data transmission are fundamental and basic telecommunication services that are bundled together); and
- the boundary type ("Type of Call – local or toll. These parameters determine the type of call that was made/received as determined by three (3) "buckets": local, intrastate_toll and interstate_toll." – col. 15, lines 1 – 4).

Marsh does not teach that a method in which:

- the boundary type is selected from the group consisting of interstate, inter-LATA, and international.

An discloses a method in which:

- the boundary type is selected from the group consisting of interstate, inter-LATA, and international. ("Next, the jurisdictional category is determined from the originating and terminating LATA and state and from the determination of whether this is an international call (action box 307)." – see col. 7, lines 30 – 32). ("In step 4, the jurisdictional category (JC) is derived from the values of OSTATE, TSTATE, OLATA, TLATA, or, where appropriate, ICC or non-domestic TNPA... The JC is used because different rate making administrations set rates for different categories of calls. Interstate calls are

regulated by the federal government whereas intrastate calls are regulated by the state governments. Intra-LATA calls are frequently under the jurisdiction of a different body than inter-LATA calls. International calls are regulated by the federal government with the agreement of other foreign countries.” – see col. 12, lines 13 – 27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marsh by incorporating the ability to differentiate boundary type between interstate, inter-LATA and international, as was done by An, to organize traffic data for variables which have an impact on telecommunication costs, allowing for a more accurate of proposed prices when selection of best proposed price is dependent on telecommunications traffic.

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Regarding Claim 65, Marsh discloses a system in which:

- the traffic direction is selected from the group consisting of incoming and outgoing (originating_city, originating_state – col. 11, lines 53 – 54 – Table 4);
- the type of service is selected from the group consisting of voice, paging, cellular, and data transmission (Marsh discloses a “PRODUCT_BUNDLE” – see col. 10, line 62, Table 1 – data table existing in the database. While Marsh does not explicitly state that PRODUCT_BUNDLE consists of voice, paging, cellular, and data transmission, it is well-known in the art that voice, paging, cellular, and data transmission are fundamental and basic telecommunication services that are bundled together); and

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- the boundary type ("Type of Call – local or toll. These parameters determine the type of call that was made/received as determined by three (3) "buckets": local, intrastate_toll and interstate_toll." – col. 15, lines 1 – 4).

Marsh does not teach that a system in which:

- the boundary type is selected from the group consisting of interstate, inter-LATA, and international.

An discloses a system in which:

- the boundary type is selected from the group consisting of interstate, inter-LATA, and international. ("Next, the jurisdictional category is determined from the originating and terminating LATA and state and from the determination of whether this is an international call (action box 307)." – see col. 7, lines 30 – 32). ("In step 4, the jurisdictional category (JC) is derived from the values of OSTATE, TSTATE, OLATA, TLATA, or, where appropriate, ICC or non-domestic TNPA... The JC is used because different rate making administrations set rates for different categories of calls. Interstate calls are regulated by the federal government whereas intrastate calls are regulated by the state governments. Intra-LATA calls are frequently under the jurisdiction of a different body than inter-LATA calls. International calls are regulated by the federal government with the agreement of other foreign countries." – see col. 12, lines 13 – 27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marsh by incorporating the ability to differentiate

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boundary type between interstate, inter-LATA and international, as was done by An, to organize traffic data for variables which have an impact on telecommunication costs, allowing for a more accurate of proposed prices when selection of best proposed price is dependent on telecommunications traffic.

Claims 56 – 57 and 68 - 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh, in further view of Barak (U.S. Patent 6,078,652).

Regarding Claim 56, Marsh discloses a method in which a first one of the telecommunications carriers provides services under a contract (current rate plan) including a minimum target quantity (minutes) for a contracted class of the generic classes of service (rate plan), the method further comprising:

- analyzing the converted traffic detail data (usage history and call detail data) of the first telecommunications carrier; and
- analyzing the converted traffic detail data (usage history and call detail data) of a second one of the telecommunications carriers corresponding to the contracted class of the first telecommunications carrier. (The processor then determines at least one proposed rate plan that would save the subscriber telecommunication costs relative to the current rate plan, via use of the usage history table and the call detail table." – see abstract)

Marsh does not teach a method in which the method further comprising:

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- analyzing the converted traffic detail data of the first telecommunications carrier to identify a projected traffic deficit relative to the minimum target quantity; and
- analyzing the converted traffic detail data of a second one of the telecommunications carriers to identify a future surplus traffic volume corresponding to the contracted class of the first telecommunications carrier.

Barak discloses a method in which the method further comprising:

- analyzing the converted traffic detail data (call history – see 146, figure 1) of the first telecommunications carrier to identify a projected traffic deficit (whether or not a volume discount currently applies) relative to the minimum target quantity (volume discount); and
 - analyzing the converted traffic detail data (call history – see 146, figure 1) of a second one of the telecommunications carriers to identify a future surplus traffic volume (whether or not a volume discount currently applies) corresponding to the contracted class of the first telecommunications carrier.
- (Barak discloses “This data provides a history of the calls made with a particular service provider and is utilized, for example, to determine (step 148) whether or not a volume discount currently applies or whether it is useful to utilize a certain service provider in order to achieve the volume discount.” – see col. 6, lines 60 – 65 – establishing that Barak must analyze traffic detail data to determine whether a projected traffic deficit or future surplus traffic volume exists in order to determine whether a volume discount applies).

(“From call parameters & volume info, determine if volume applies” – see 148, figure 4). (Barak discloses “It can also utilize the call history information to determine statistics of phone calls and, from the statistics, to generate expected call duration estimates.” – see col. 3, lines 7 – 10 – establishing that Barak can identify future traffic volume.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marsh by incorporating the ability to analyze traffic volume and regulate carrier usage to maximize traffic volume discounts, as was done by Barak, to integrate another method by which to ensure the greatest cost savings by the user.

Regarding Claim 57, Marsh does not teach a method, further comprising rerouting the future surplus traffic volume to the first telecommunications carrier to thereby reduce the projected traffic deficit.

Barak discloses a method, further comprising rerouting the future surplus traffic volume to the first telecommunications carrier to thereby reduce the projected traffic deficit. (“This data provides a history of the calls made with a particular service provider and is utilized, for example, to determine (step 148) whether or not a volume discount currently applies or whether it is useful to utilize a certain service provider in order to achieve the volume discount.” – see col. 6, lines 60 – 65). (see figure 3). (“Router 32 can be any routing unit, known in the art, which recognizes the dialing information input by the call originator and, in accordance with pre-defined parameters, calculates the LCR and consequently reroutes the call.” – see col. 4, lines 50 – 53).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marsh by incorporating the ability to analyze traffic volume and regulate carrier usage to maximize traffic volume discounts, as was done by Barak, to integrate another method by which to ensure which to ensure the greatest cost savings by the user.

Regarding Claim 68, Marsh does not teach a system in which:

- a first one of the telecommunications carriers provides services under a contract including a minimum target quantity for a contracted class of the generic classes of service;
- the traffic analysis software module is adapted to analyze the converted traffic detail data of the first telecommunications carrier to identify a projected traffic deficit relative to the minimum target quantity; and
- the traffic analysis software module is adapted to analyze the converted traffic detail data of a second one of the telecommunications carriers to identify a future surplus traffic volume corresponding to the contracted class of the first telecommunications carrier.

Barak discloses a system in which:

- a first one of the telecommunications carriers provides services under a contract (rate plan) including a minimum target quantity (volume discount) for a contracted class of the generic classes of service (rate plan);
- the traffic analysis software module is adapted to analyze the converted traffic detail data (call history – see 146, figure 1) of the first telecommunications

carrier to identify a projected traffic deficit (whether or not a volume discount currently applies) relative to the minimum target quantity (volume discount).

("This data provides a history of the calls made with a particular service provider and is utilized, for example, to determine (step 148) whether or not a volume discount currently applies or whether it is useful to utilize a certain service provider in order to achieve the volume discount." – see col. 6, lines 60 – 65). (see figure 3). (Barak discloses "It can also utilize the call history information to determine statistics of phone calls and, from the statistics, to generate expected call duration estimates." – see col. 3, lines 7 – 10 – establishing that Barak can identify future traffic volume.); and

- the traffic analysis software module is adapted to analyze the converted traffic detail data (call history – see 146, figure 1) of a second one of the telecommunications carriers to identify a future surplus traffic volume (whether or not a volume discount currently applies) corresponding to the contracted class (rate plan) of the first telecommunications carrier. ("This data provides a history of the calls made with a particular service provider and is utilized, for example, to determine (step 148) whether or not a volume discount currently applies or whether it is useful to utilize a certain service provider in order to achieve the volume discount." – see col. 6, lines 60 – 65). (see figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marsh by incorporating the ability to analyze traffic

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volume and regulate carrier usage to maximize traffic volume discounts, as was done by Barak, to integrate another method by which to ensure which to ensure the greatest cost savings by the user.

Regarding Claim 69, Marsh does not teach a system in which the traffic analysis software module sends a traffic redirection suggestion message to the customer in response to the existence of the projected traffic deficit and the surplus traffic volume, the traffic redirection suggestion message identifying the future surplus traffic volume and recommending a routing change to direct the future surplus traffic volume to the first telecommunications carrier and to thereby reduce the projected traffic deficit.

Barak discloses a system in which the traffic analysis software module sends a traffic redirection suggestion message (LCR – least cost router - information) to the customer (email) in response to the existence of the projected traffic deficit and the surplus traffic volume, the traffic redirection suggestion message identifying the future surplus traffic volume and recommending a routing change (see 154, figure 4) to direct the future surplus traffic volume to the first telecommunications carrier and to thereby reduce the projected traffic deficit. "The accessible medium to which the LCR package may be posted include, for example, any suitable forum accessible by modem. For example, the files can be made available by the data server 20 to subscribers 18 through a bulletin board (212), via file transfer using a file transfer page (ftp)(214) or world wide web (www)(216), or similar, such as are available today through the Internet. The updated package can also be downloaded by data server 20 to the user's E-mail

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address (218) or copied to a diskette and mailed to the user (220). " – see col. 7, lines 29 – 36).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marsh by incorporating the ability to notify the user concerning its traffic volume data and optimal telecommunication data, as was done by Barak, to update user about telecommunication needs.

Claims 58 – 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh in further view of Mason (U.S. Patent Pub. 2001/0051918 A1).

Regarding Claim 58, Marsh discloses a method in which a contracting one of the telecommunications carriers provides services under a contract (rate plan) including a contracted service order fee, the method further comprising:

- analyzing the billing statement to identify a service order event including a billed order fee. ("The processor then creates a usage history table and a call detail table within the storage unit from the processed billing information. The processed data is then analyzed by the processor in relation to at least one rate plan of at least one telecommunication service provider. – see abstract); and
- notifying the customer. ("Once the report Web page has been generated, the MAMBA system 100 sends an electronic mail message (email) to the specified user informing the user of the availability of more economical cellular service plans." – see col. 23, lines 17 – 21).

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Marsh does not teach a method further comprising:

- comparing the billed order fee with the contracted service order fee to identify a service order fee discrepancy. (However, Marsh discloses “The cost information is then presented to the optimizer doEval function 250 which uses an optimizer createEvaluation function 245 and a dbOptimizer putEvaluation function 240 to write the resulting evaluations, which represent comparison of the user usage profile to available service plans, to a database.” – see col. 8, lines 15 – 21 – establishing that Marsh compares usage data to service plans.); and
- notifying the customer of the service order fee discrepancy.

Mason discloses a method further comprising:

- analyzing the billing statement to identify a service order event including a billed order fee. (“wherein the one or more processors further perform the steps of: auditing the HTML invoice page to determine whether a billing error exists” – Claim 35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marsh by incorporating the ability to analyze billing data to determine whether a billing error exists, as was done in Mason, and notifying the user of the billing error, through Marsh’s pre-existing communication system, to ensure that user is billed correctly by the selected vendor.

Regarding Claim 59, Marsh does not teach a method further comprising automatically generating a message to the contracting telecommunications carrier in

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response to the existence of the service order fee discrepancy, the message requesting adjustment of the billed order fee. (However, Marsh discloses "Once the report Web page has been generated, the MAMBA system 100 sends an electronic mail message (email) to the specified user informing the user of the availability of more economical cellular service plans." – see col. 23, lines 17 – 21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marsh by incorporating the ability to generate a message to the contracting telecommunications carrier in response to billing error, as Marsh has the pre-existing ability to generate a message to the user. This would allow for quick and efficient correction of billing errors by the contracting telecommunications carrier.

Claims 70 – 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh in view of Ben-Meir, and in further review of Mason.

Regarding Claim 70, Marsh does not teach a system further comprising a contract terms database including terms of a service contract between the customer and a contracting one of the telecommunications carriers, the service contract including a contracted service order fee, and in which the traffic analysis software module is adapted to analyze the billing statement to identify a service order event including a billed order fee, compare the billed order fee with the contracted service order fee to identify a service order fee discrepancy, and notify the customer of the service order fee discrepancy. (However, Marsh discloses "Once the report Web page has been

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generated, the MAMBA system 100 sends an electronic mail message (email) to the specified user informing the user of the availability of more economical cellular service plans.” – see col. 23, lines 17 – 21). (However, Marsh discloses “The cost information is then presented to the optimizer doEval function 250 which uses an optimizer createEvaluation function 245 and a dbOptimizer putEvaluation function 240 to write the resulting evaluations, which represent comparison of the user usage profile to available service plans, to a database.” – see col. 8, lines 15 – 21 – establishing that Marsh compares usage data to service plans.)

Ben-Meir discloses a system further comprising a contract terms database including terms of a service contract between the customer and a contracting one of the telecommunications carriers. (“In the strategic partnership management module, a contract management platform helps both buyers and sellers build and maintain long-term value-added business relationships. Users can store, sort, analyze and reuse current and past contracts. Buyers can create a contract and use information exchanged during the bid solicitation process as a Statement of Work (SOW) or appendix. Users can set reminders and alerts to track compliance with a contract and receive automatic notification of milestones and renewal dates. Finally, it enables changes in requirements to be communicated and contract amendments to be managed.” – see paragraph 0094).

Ben-Meir does not teach a system in which the traffic analysis software module is adapted to analyze the billing statement to identify a service order event including a billed order fee, compare the billed order fee with the contracted service order fee to

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identify a service order fee discrepancy, and notify the customer of the service order fee discrepancy.

Mason discloses a system in which the traffic analysis software module is adapted to analyze the billing statement to identify a service order event including a billed order fee, compare the billed order fee with the contracted service order fee to identify a service order fee discrepancy, and notify the customer of the service order fee discrepancy. ("wherein the one or more processors further perform the steps of: auditing the HTML invoice page to determine whether a billing error exists" – Claim 35).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marsh by incorporating the ability to analyze billing data to determine whether a billing error exists, as was done in Mason, and notifying the user of the billing error, through Marsh's pre-existing communication system, as well as integrating a database containing contractual terms, as was done by Ben-Meir, integrating the information sources that would be required to determine whether a billing error occurred.

Regarding Claim 71, Marsh does not teach a method further comprising automatically generating a message to the contracting telecommunications carrier in response to the existence of the service order fee discrepancy, the message requesting adjustment of the billed order fee. (However, Marsh discloses "Once the report Web page has been generated, the MAMBA system 100 sends an electronic mail message (email) to the specified user informing the user of the availability of more economical cellular service plans." – see col. 23, lines 17 – 21).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Marsh by incorporating the ability to generate a message to the contracting telecommunications carrier in response to billing error, as Marsh has the pre-existing ability to generate a message to the user. This would allow for quick and efficient correction of billing errors by the contracting telecommunications carrier.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Borlinghaus whose telephone number is (703) 308-9552. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (703) 308-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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